

APPENDIX A. ENVIRONMENTAL ANALYSIS FOR DRAFT STATEWIDE FISHERIES MANAGEMENT PLAN

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OVERALL PROPOSED ACTION AND INTRODUCTION TO EA

Montana Fish, Wildlife & Parks is proposing a statewide fisheries management plan that would guide fisheries management in Montana. The plan describes the various Fisheries Management programs and the management direction for individual species and drainages throughout the state.

The Montana Environmental Policy Act (MEPA) requires a review of state actions to consider possible impacts to the human environment. According to MEPA, the human environment encompasses the biological, physical, social, economic, cultural, and aesthetic factors that interrelate to form the environment.

FWP is conducting an environmental review on the core Fisheries Management programs listed in Part I of the plan (fish management, habitat, and fishing access / recreation management). The review focuses on the overall management approach for each program. Additional environmental review will take place during the implementation of the plan, primarily when implementing the drainage management directions or prescriptions listed in Part II of the plan¹.

The environmental review identifies a *preferred alternative* for each of the fisheries management programs. The preferred alternatives, identified as Alternative A, represent the current programs (*status quo*). The review considers at least one additional alternative for each of the programs, e.g., Alternative B, Alternative C, etc. Each *alternative* represents a *management approach*, and these two terms are used interchangeably throughout the analysis document. The Draft Fisheries Management Plan that encompasses this environmental review reflects the preferred alternatives.

The environmental review describes the predicted effects associated with each alternative. In other words, the review considers the possible impacts on the human environment if FWP were to adopt that particular approach to managing the State's fisheries. As previously mentioned, due to the overarching, programmatic nature of the plan, this environmental analysis examines how the plan might influence future decision-making. Additional environmental review will take place during implementation of specific actions described in the plan, and this environmental review will include opportunities for the public to provide comments and influence decision-making.

OVERALL PURPOSE AND NEED FOR PROPOSED ACTION

The purpose of the Statewide Fisheries Management Plan is to provide guidance and direction for managing fish and other aquatic species, their habitats, and the angling opportunities they provide. This will be Montana's first statewide fisheries management plan. The plan will offer transparency to the public by identifying the rationale for fish management decisions. The decision-making is often based on extensive public involvement, laws, rules and policies. The plan will serve as a clearinghouse for this type of information.

¹ There are numerous variables that must be considered when implementing a management prescription, variables that are largely unknown at this time and therefore must be considered on a case-by-case basis at the time of implementation and take into account the particular environmental factors of each project or management decision.

AUTHORITIES

The Draft Statewide Fisheries Management Plan identifies the applicable statutes, rules, and policies for each program and work units within the Fisheries Program. The following example for Fish Health illustrates the format used in the Draft Plan:

Applicable laws, rules and policies

Statute (MCA): 87-3-210 through 87-3-226

Administrative Rule (ARM): 12.7.501 through 12.7.507

DOCUMENTS CONSIDERED IN PREPARATION OF ENVIRONMENTAL REVIEW

The following documents (and environmental analysis associated with the documents) were considered in the preparation of this EA:

- Aquatic Nuisance Species Management Plan (2002) - Currently in process of updating
- Flathead Lake Co-Management Plan 2000-2010
- Fort Peck Reservoir Fisheries Management Plan 2012 – 2022
- Upper Missouri River Reservoir Fisheries Management Plan 2011-2020

DECISIONS TO BE MADE

The FWP Director will be the decision-maker for the environmental review. The Director will decide whether to recommend that the FWP Commission adopt the Draft Statewide Fisheries Management as proposed or with amendments. The Director will take into consideration the environmental review (this document) and input from the public. The FWP Commission will approve the Final Plan.

OVERALL AFFECTED ENVIRONMENT

Montana Fish, Wildlife & Parks, through its employees and citizen commission, provides for the stewardship of the fish, wildlife, parks, and recreational resources of Montana, while contributing to the quality of life for present and future generations. In support of this mission, the Fisheries Program preserves, maintains, and enhances all aquatic species and their ecosystems to meet the public's demand for recreational opportunities and stewardship of aquatic wildlife. The Fisheries Program accomplishes this by implementing policies and programs that emphasize the management of wild fish populations and the protection and restoration of their habitats; by operating an efficient hatchery program to stock lakes and reservoirs where natural reproduction is limited or lacking, and when needed, use the hatchery program to fulfill management objectives for conservation programs; by monitoring and regulating angler harvests to maintain balanced ecosystems; and by providing educational programs and maintaining adequate public access to fisheries. The draft statewide fisheries management plan that precedes this environmental analysis provides a more in-depth description of the affected environment.

The Fisheries Program is comprised of three core management sections (primary areas of work):

- 1) Fish Management;
- 2) Fisheries Habitat; and
- 3) Fishing Access and Recreation Management.

The remainder of this environmental analysis focuses on these core management sections. It is important to note that these programs contain many subunits of work. The alternatives in this environmental review documents represent different *management approaches* for each program.

FISHERIES MANAGEMENT PROGRAM

AFFECTED ENVIRONMENT

The FWP Fisheries Management Program has two primary purposes: 1) provide a diversity of quality angling opportunities through management of self-sustaining wild fisheries and the use of hatchery-reared fish; and 2) protect, maintain, and restore native fish populations, their habitats, life cycles, and genetic diversity to ensure stewardship of native species and angling opportunities whenever possible. Native fish include “sport-fishing” species such as cutthroat trout, bull trout, sauger, burbot, and Arctic grayling, as well as nongame species such as sicklefin chubs and sculpins. Examples of nonnative fish include brook trout, rainbow trout, brown trout, walleye and largemouth bass. Pursuing these purposes entails a wide variety of activities. These activities include monitoring life cycles of different fish populations in varied habitats, regulating harvest of native and nonnative fish, and devising strategies to maintain sufficiently healthy and genetically diverse fish populations, and to satisfy the public’s interests in fishing opportunities.

The charge of managing both native and nonnative species of fish may appear as dual, conflicting roles. Some people believe that native fish should be given highest priority in all water. Others believe that sportfishing opportunities, including management of nonnative game species, should be given highest priority, even if detrimental to native fisheries. These different viewpoints present a challenge for managers when determining management direction, priorities, and allocation of resources. These challenges are compounded when fish species are subject to Endangered Species Act regulations, e.g., bull trout. In these cases, the decision-making sideboards are narrower and offer managers less flexibility.

FWP must balance the biological needs of native fish with the social and political demands for recreational fisheries and fishing opportunities. Typically, a higher priority is given to known populations of sensitive native species. Consequently, native fish are prioritized in some waters where nonnative fish are not already established or in waters where nonnative fish can be removed. In other waters, nonnative sportfish species are well established, and it is unlikely this would be reversed.

This environmental analysis considers four aspects of the Fisheries Management Program: native and non-native fish management; wild fish and hatchery stocked fish; fishing regulations and tackle restrictions; and aquatic invasive species, illegal fish introductions and fish pathogens.

ALTERNATIVES

The environmental analysis identifies three alternatives for the Fisheries Management Program, including the current program (status quo):

- Alternative A (Preferred Alternative): Retain current Fisheries Management Program.
- Alternative B: Increase emphasis on native and wild fish management.
- Alternative C: Maximize angling opportunities.

Alternative A (Preferred Alternative): Retain Current Fisheries Management Program Fish (status quo)

The current fisheries management program is a holistic and balanced approach that emphasizes angling opportunities and satisfaction, but not at the expense of native fish species populations. Wild fish are emphasized (versus stocking), partly based on societal preference but also for biological and economic reasons. Self-sustaining fisheries and self-regulating ecosystems are emphasized wherever possible but within the context of economic and political realities. Elements of this approach are as follows:

Native Fish/Non-native fish: Under its current program, FWP conserves and restores native fish as necessary to maintain that part of Montana's natural heritage and in compliance with federal endangered species laws (when relevant). Non-native species are favored if they contribute to sport fisheries and do not adversely impact native fish populations. There is low to zero tolerance for non-native species if they imperil native fish populations.

Wild Fish/Stocked (hatchery) fish: Wild fisheries are emphasized wherever possible and practical, i.e. wherever habitat conditions provide for self-sustaining populations. Hatchery fish are stocked where habitats do not allow for wild fish management and angler desires cannot be met otherwise. The current program emphasizes production efficiency (maximizing numbers and/or pounds of fish per dollar spent) while maintaining production of a quality fish. Hatcheries are also used for native fish conservation and restoration, with some hatcheries exclusively used for native species production and restoration purposes.

Fishing regulations/Tackle restrictions: The current management approach includes more-restrictive fishing regulations that produce larger fish or establish social conditions, and more liberal regulations that offer harvest opportunities. It also includes a mix of tackle restrictions and liberal means of taking fish, as appropriate and allowable. This approach intentionally provides for a variety of angling experiences and harvest opportunities, often within the same waterbody and/or with the same species.

Aquatic Invasive Species, illegal fish introductions and fish pathogens: The current program focuses on preventing the introduction and expansion of invasive species, illegal fish introductions, and fish pathogens. If illegal fish introductions become established locally, FWP may put considerable effort into eradication or suppression of those

organisms. For fish that become widely established and difficult to eradicate, suppression efforts are typically commensurate with the threat that is posed to existing aquatic communities. The use of live bait is allowed when and where feasible when in keeping with the management direction for the waterbody and where the bait does not pose a high risk for the introduction or movement of AIS or fish pathogens. Prevention strategies for AIS and fish pathogens include a balanced combination of outreach and education, watercraft inspection stations and an early detection program. This includes monitoring at all fish hatcheries to ensure pathogens and AIS are not moved to- and-from facilities and the wild. Decisions to allow the transport of fish into and around the state are based on the results of fish disease testing, AIS monitoring, and a risk/benefit analysis.

Alternative B: Increase emphasis on native and wild fish management

Under this alternative, FWP would emphasize native fish protection and enhancement with little consideration for angler preferences. In this scenario wild fish are essential, but their status as game species is irrelevant. Resource allocations would prioritize self-sustaining native fisheries in self-regulating ecosystems. The option of leaving waters barren of fish (or restoring to a fishless condition) to avoid impacts to native aquatic species is an important consideration under this alternative. Elements of this approach are as follows:

Native Fish/Non-Native Fish: Native species would be emphasized above all else. Populations would be restored to levels that occurred before presence of Europeans or influence of introduced species. There would be low to no tolerance for introduced (non-native) species unless they have no impact on native species; where possible non-native species would be removed and replaced with native species.

Wild Fish/Stocked (hatchery) Fish: Wild fish would be emphasized wherever habitat conditions provide for self-sustaining populations. Stocked fish would be restricted to native species recovery purposes, or for harvest-fisheries where habitats do not allow for wild fish management. Stocking to augment fisheries with limited natural production is unacceptable under this approach because it is viewed as artificially elevating one species relative to others in the community. Hatcheries would emphasize native species production, in particular restoration efforts. The cost savings from producing fewer non-native fish would be applied toward wild fish management.

Fishing Regulations/Tackle Restrictions: Under this alternative, FWP would promote fishing regulations and tackle restrictions that enhance or mitigate negative impacts on native fish populations. This would include an emphasis on angling means that minimizes catch-and-release mortality, including barbless hooks, fewer lines, and minimizes capture techniques such as spearing, seining and bow-fishing. Harvest opportunities for native fish would be limited. Assuming no negative impacts to native fish, regulations would promote opportunities to catch larger fish, e.g., catch-and-release only or slot limits.

Aquatic Invasive Species/Illegal Fish Introductions/Fish Pathogens: Under this alternative, FWP would have zero tolerance for the introduction and spread of new invasive species, which could mean imposing stricter impacts on recreationists, e.g., mandatory inspections before entering a waterbody. Less emphasis would be placed on outreach and education and more on activities that directly prevent the introduction and

spread of invasive species, e.g., an increase in watercraft and angler inspections. This could mean not allowing any access to State waters without an inspection prior to every public angling event (fishing contest, etc.); boat ramps or fishing access sites would be closed if inspection stations were not established at the site. If illegally-introduced fish species become established, FWP would try to eradicate them, regardless of how widely they are established or their popularity as a sport fish. Violators of invasive and exotic wildlife laws that ban the introduction of exotic species, and violators of mandatory boat check operations, would be prosecuted aggressively. The use of live bait would be severely restricted or eliminated to minimize any risk of introduction of non-native fish, fish diseases, or other AIS organisms. The AIS Program would include an early detection program that calls for monitoring at all fish hatcheries to ensure pathogens and AIS are not moved to-and-from facilities and the wild. Decisions to allow the transport of fish into and around the state would be based on fish health and AIS testing, as well as a risk/benefit analysis, including the potential to carry unknown pathogens and invasive species.

Alternative C: Maximize angling opportunities

This management approach is value neutral when it comes to managing native versus non-native fish, or wild versus hatchery fish. The primary goal of this alternative is to maximize angler satisfaction. Wild fisheries would be utilized, but FWP would emphasize the use of hatcheries to produce fish to create the desired angling opportunities. Of the three alternatives, this one would produce and stock the most non-native fish. This approach would favor stocking forage fish and other organisms, including non-native species, with a higher acceptability of risk of compromising ecosystem function. Diversity and complexity of ecosystems would not be a goal of this alternative. Elements of this alternative are as follows:

Native/Non-Native Fish: This approach would emphasize angler preferences and habitat suitability when deciding which fish species to manage for in individual waterbodies. The native or non-native status of the species would be irrelevant. This approach would be adjusted, as necessary, to accommodate threatened or endangered species.

Wild Fish/Stocked (hatchery) Fish: Wild fish would be favored but may be supplemented or even replaced with stocked hatchery fish if they would provide for a better fishery. Hatchery production would be maximized at any opportunity, with an emphasis on sizes and species that maximizes catch rates and angler satisfaction. Cost-savings from producing fewer native fish would be allocated to production of other species. Hatchery space would be used for native species recovery only when not interfering with production of fish needed to satisfy recreational fishing demands.

Fishing Regulations/Tackle Restrictions: This approach would favor fishing regulations that maximize opportunities to harvest fish, with an emphasis on regulations that are simple and easy to understand and enforce. Use of length-limits, catch-and-release only, and other regulatory methods for the purpose of producing bigger fish (at the expense of harvest opportunities), would be minimized or eliminated. Terminal tackle use would be liberal, allowing the use of more hooks and lines, and maximizing the use of other (non-angling) capture techniques such as spearing, gigging, hand-grabbing, bow-fishing and netting for non-game and game fish.

Aquatic Invasive Species/Illegal Fish Introductions/Fish Pathogens: This approach emphasizes reacting to invasive species once established, rather than on prevention efforts. More emphasis would be placed on outreach and education and less on activities that directly prevent the introduction and spread of invasive species, e.g., a decrease in watercraft and angler inspections. When a species becomes established, a high level of effort would be spent on eradication or on controlling the impacts, unless the newly established species provides value as a sport fish, forage, or as a food item. Maximum use of various terrestrial and aquatic live baits would be allowed to maximize angling opportunities and catch rates. AIS concerns would be addressed, although more risk would be tolerated. Early detection and monitoring procedures would occur at hatcheries, however, more risk would be tolerated. Monitoring in the wild would occur and FWP would take action if invasive populations become established. Transportation and importation of fish would be evaluated on fish health and AIS status. However, more risk would be tolerated.

PREDICTED EFFECTS FOR ALTERNATIVES

Predicted Effects of Retaining Current Program (Alternative A - Preferred Alternative)

The current Fisheries Management Program seeks to achieve conservation goals and at the same time provide a variety of angling opportunities. It is a holistic approach that recognizes the State's stewardship responsibilities for all aquatic resources, and the importance of meeting the desires of the angling public. Meeting the desires of a diverse angling public results in a balanced management style, which is described in detail in the Draft Statewide Fisheries Management Plan (see specific drainage prescriptions). Three examples of this balanced management approach include: 1) emphasizing native species management in one part of the drainage and introduced species in other parts of the drainage; 2) accommodating recreational and consumptive anglers on the same waterbody; and 3) maintaining a waterbody's fisheries through a combination of wild fish and stocked fish.

Native/Non-Native Fish: A goal of the current fisheries management program under Alternative A is to perpetuate native species, including threatened and endangered species, but not at the level of Alternative B, which places greater emphasis on native fish species management. The breadth of genetic diversity and life history forms of native species would be less than in Alternative B, due to the fact that there would be more situations where native species are maintained in refugia or within isolated portions of drainages. This fragmentation could also lead to slightly lower overall native species diversity compared to Alternative B.

The current program has varying degrees of effect on the local, regional and state economy. Variables include the size of a community and the popularity of nearby fisheries. Management practices that produce fisheries that attract substantial numbers of anglers can provide for jobs in communities, e.g., the fishing outfitting industry, fishing lodges and hotels, fly and tackle shops, and other associated services. This economic activity is typically associated with non-native salmonid fisheries (e.g., rainbow trout, brown trout, and kokanee salmon) as well as warm-water reservoir fisheries (e.g., walleye, pike and bass). The current management approach is to achieve native species conservation and recovery goals while preserving the importance of fisheries to the

economy. For native salmonid conservation efforts, this is typically accomplished in areas that are not economically or recreationally important if the conservation efforts would impact the non-native fishery. Impacts to the economy would be less compared to Alternative B where native species take priority. Alternative C, with its emphasis on angling opportunities over conservation goals, could result in more benefits to local businesses.

Wild Fish/Stocked (hatchery) Fish: This management approach emphasizes wild fisheries, which results in lower hatchery costs than would be needed if the hatchery system was relied on to provide a similar level of angler opportunity. Cost efficiencies are also realized within the hatchery system where most fish are stocked as fry or fingerlings (rather than as catchables). This approach relies on natural food to grow stocked fish to catchable sizes, as opposed to the costly, and space-consuming process in the hatchery to feed and grow fish to a catchable (>8 inches) size before stocking, and the increase in transport costs for stocking larger fish. This direction is much less costly than compared to Alternative C, which would require an expansion of the hatchery system, and slightly less costly than Alternative B, which would expend less growing fish for stocking for harvest, and shift more effort toward native species conservation efforts.

Fishing Regulations/Tackle Restrictions: Fishing regulations and bait and tackle restrictions would remain fairly complex under this alternative due to the desire to accommodate as many users as possible. This could result in more catch and release practices if anglers view the regulations as too complex and are concerned they might misinterpret the regulations and (unintentionally) be fishing illegally.

Aquatic Invasive Species/Illegal Fish Introductions/Fish Pathogens: Under this management approach it is likely that new illegal fish introductions will continue and that some of these introductions could expand to the point that control or suppression would be unlikely, or cost prohibitive. Apprehending violators who do these illegal introductions is extremely difficult and outreach has been somewhat ineffective at changing this behavior. Impacts to natural ecosystem functioning, including impacts to existing fish communities, from illegal introductions could increase as the illegally introduced populations expand. This strategy for managing illegally introduced populations would result in significantly less impacts to aquatic communities compared to the management approach of Alternative C, but would have slightly more negative impacts compared to Alternative B. Because the current approach allows for some accommodation of illegal fish introductions, which have become widely distributed, it could lead to the development of constituencies that advocate for the creation of recreational fisheries through illegal introductions of those species.

The AIS program under the current program emphasizes prevention and includes a balance of an education and awareness campaign, early detection and monitoring, and a watercraft inspection program. To date, many of the most invasive aquatic organisms are yet to become established within the State and it appears that the prevention efforts have been successful. Under this strategy, the emphasis is not on inspecting every vessel and angler prior to it entering Montana waters. As a result, this prevention strategy requires a combination of government-led programs, such as the watercraft inspection program and

an educational program aimed at changing behavior. The likelihood of new invasive species becoming established under this Alternative is less compared to Alternative C, but more than Alternative B. Correspondingly, the cost of administering the current program are higher compared to what it would be under n Alternative C but less than in Alternative B. Fish pathogen control under the current program is very proactive and provides a high level of assurance that undesirable pathogens will not enter State waters through the movement of fish.

Cumulative Effects: None identified.

Predicted Effects of Alternative B

Management under this alternative can be described as “eco-centric”, meaning that angler interests are secondary to the primary goal of ecosystem function and sustainability. This alternative emphasizes native species recovery and restoration. Public support for this approach would still be important, and educational efforts would be used to enhance public appreciation for native species and the value of natural aquatic communities. As with Alternative A, this approach respects the stewardship responsibilities that the State of Montana has for all aquatic resources and also the obligation to promote ethical behavior in anglers. Three examples of this management approach are: 1) restoring cutthroat trout to all historically occupied habitat, including reducing or eliminating non-native rainbow, brook or brown trout fisheries; 2) preserving and restoring native non-game fish communities in intermittent eastern Montana prairie streams; and 3) stocking only sterile walleye in Montana lakes in order to avoid any potential for hybridization with native sauger. This alternative could lead to a notable loss of angling opportunities and/or diversity.

Native/Non-Native Fish: Management under Alternative B would ensure the recovery of native (and endangered) species at a level far above that in Alternatives A and C. All lifeforms (resident, migratory, fluvial, adfluvial) of native fish species would be restored, ensuring ecosystem function at the level of pre-European influence. In some instances, native species would be maintained in refugia or within isolated portions of drainages, but this would involve building many barriers to exclude introduced species or intensive efforts to suppress or eradicate the non-natives. This alternative would therefore actively seek to reduce populations of introduced species below current levels. Impacts from existing introduced species on other aquatic species such as insects, amphibians and native fishes would be reduced considerably due to native species conservation work, but would not be eliminated. Costs to preserve native species would be higher than in Alternative A and much higher than in Alternative C. Public acceptance would likely be lower than Alternative A, due to the relatively low popularity of angling for native species by license holders and the low level of advocacy by the non-angling public. The emphasis on native fisheries would be very labor intensive and would probably require land acquisitions or easements to ensure management goals could be met.

Management under this alternative could lead to fewer angler days and therefore adversely affect local and regional economies that rely on angling forms of tourism. This impact would likely be greater around lakes and reservoirs that receive stocked fish to augment natural fisheries or rely on put-and-take fisheries to attract anglers. Particularly hard hit would be small communities near reservoirs that attract substantial numbers of

trout or walleye anglers. Although this management approach would increase native fish conservation efforts, these fisheries generally have fewer and smaller angling constituencies and consequently have less ability to generate economic activity.

Wild Fish/Stocked (hatchery) Fish: This alternative strongly emphasizes wild fisheries, which results in lower costs and fewer numbers of fish being stocked compared to the other alternatives. The result would also be fewer angling opportunities, especially in lakes or reservoirs where natural production of game fish is limited. This would reduce the number of mixed fisheries such as Canyon Ferry or Fort Peck reservoirs where cold-water and cool/warm-water fish add diversity and draw more anglers as a result. This management approach would lead to lower angler satisfaction on certain waterbodies and could impact community economies and reduce fishing license sales.

Fishing Regulations/Tackle Restrictions: Fishing regulations, and bait and tackle restrictions would be simpler compared to Alternative A, but less permissive, due to the need to conserve rather than harvest fish species and the emphasis on the recreational/aesthetic aspects of fishing. The restrictions on harvest could lead to a loss of license revenue if some consumptive anglers decide to pursue other activities.

Aquatic Invasive Species/Illegal Fish Introductions/Fish Pathogens: Under this alternative, additional illegal introductions of fish could continue but the aggressive eradication/suppression efforts would prevent expansion of populations. This emphasis would result in significantly less impacts to aquatic communities compared to the management approach of Alternative C, and slightly fewer impacts compared to Alternative A. Because this approach has low to zero tolerance for illegal fish introductions, it would likely prevent the development of constituencies that promote the creation of fisheries based around illegal introductions. Due to the pervasiveness of some introduced species in large waterbodies (e.g., lake trout in Flathead Lake, walleye in the Missouri River, northern pike in Seeley Lake), the cost to implement this management approach would be high compared with either Alternative A or C, and would reduce resources available for other Fisheries programs.

The AIS program under this alternative would emphasize prevention through government intervention. For example, the program could call for the inspection of all watercraft and anglers prior to accessing any State waters. This approach would reduce the risk of AIS species being introduced and spread, more so than the other alternatives. Costs and government interference with public activities would be much higher under this approach compared to Alternative C, and somewhat higher than in Alternative A. Fish pathogen control under this alternative is very proactive but similar to that in Alternative A. It provides a high level of assurance that undesirable pathogens would not enter State waters through the movement of fish.

Cumulative Effects: None identified.

Predicted Effects of Alternative C

Management under this alternative can be described as an “ethno-centric” approach, meaning that the desires of anglers are primary, and there is little effort to strike an ecological balance in

the fish community or achieve what might be discerned as ecosystem function. Public support for this approach could be high, as angler needs would be the primary goal and angler satisfaction and license sales would become the primary measure of success. The effort to balance management for different types of anglers and angler experiences would be paramount under this approach, even at the expense of native fish or wild fish management. Examples of this approach include: 1) stocking a predator fish such as muskellunge to create a trophy fishery in an open-water system where future movements could not be controlled; 2) promoting cutthroat trout restoration only if local anglers approve; 3) using wild trout management principles only when requested by local anglers; otherwise stocking to achieve management goals; and 4) taking an approach that views regulation complexity as a measure of success in responding to angler desires.

Native/Non-Native Fish: Management under Alternative C would not ensure the perpetuation of native (and endangered) species. Endangered species would be preserved as required by law, but efforts to restore species that are not listed as a threatened or endangered species would be limited to areas where they do not conflict with management efforts for other game fish. This approach would not meet the need for genetic diversity and life history forms of native species or the problems associated with habitat fragmentation. Overall, efforts and financial commitments to conserve native species under this alternative would be less compared Alternatives A and C.

Management practices under this approach would likely emphasize and enhance those fisheries that attract substantial numbers of anglers and provide for jobs in local communities. This economic activity would be based around non-native salmonid fisheries (e.g., rainbow trout, brown trout and kokanee salmon) as well as warm-water reservoir fisheries with walleye, pike and bass. This would involve changing stocking practices to increase sizes of fish and improve catch rates. Fishing regulations would be modified to provide custom opportunities (e.g. fly-fishing only sections, barbless hooks, slot or minimum size limits to produce trophy fish) that could be showcased by local communities to attract anglers. This alternative could lead to an increase in angling days and therefore be a boost to local and regional economies. Economic benefits under this alternative would be somewhat greater than the current program and much greater than Alternative B where native species take priority over angling opportunities.

Wild Fish/Stocked (hatchery) Fish: This management approach places greater emphasis on stocked fisheries, which would increase hatchery costs more than the other alternatives, although some money would be saved by reducing efforts to restore/reinvigorate natural ecosystems. This approach would allow for more mixed species fisheries, which might draw more anglers and lead to higher angler satisfaction on certain waterbodies.

Fishing Regulations/Tackle Restrictions: Due to this alternative's desire to maximize harvest opportunities, fishing regulations would be simpler than under the current program. Bait regulations would be liberalized, and therefore more complex, due to this alternative's desire to accommodate as many angler interests as possible. This may increase interest in fishing and increase license sales due to more people feeling that the needs of the "average" angler are being satisfied.

Aquatic Invasive Species/Illegal Fish Introductions/Fish Pathogens: This alternative would take a neutral position on the expansion of illegally introduced fish species beyond current levels, so it is certain that new introductions would continue and that many of these introductions would expand to the point that effective suppression would be unlikely. FWP predicts that the additional impacts to natural ecosystem functioning from these new and spreading introduced species would be higher than for either Alternatives A or B. Because this approach would allow for accommodation of illegal fish introductions that have become widely distributed, it would probably lead to the development of constituencies that advocate for intentional illegal introductions to create recreational fisheries.

The AIS program under this alternative emphasizes reacting once a new invasive species becomes established, rather than on preventing establishment from occurring. This would likely increase the chance that new AIS enter Montana waters and become established. This likelihood is more than in either Alternatives A or B. The cost savings realized from the smaller staff needed to implement this approach would be offset by the additional costs that would come from working to eradicate a greater number of invasive species if they were to become established in State waters. Fish pathogen control under this alternative would be very proactive but more tolerant of risk when it comes to importing and transporting fish and other aquatic organisms. The result would be a greater supply and variety of gamefish available for management purposes, and for the private commercial producer and owners of private ponds. It would also increase the likelihood that undesirable pathogens would be introduced and become established in wild fish populations and hatcheries in Montana. This could cause shifts in fish assemblages in the wild and would cost more to decontaminate hatcheries that become infected with pathogens.

Cumulative Effects: None identified.

HABITAT PROGRAM

AFFECTED ENVIRONMENT

Generally speaking, fish thrive in diverse, healthy aquatic ecosystems. Good fish habitat consists of three essential elements: 1) water quantity—adequate water flow in streams throughout the year and satisfactory water levels in lakes and reservoirs to sustain healthy aquatic communities; 2) water quality—water of suitable quality for sustaining healthy populations of fish and other aquatic life; and 3) physical habitat features—landscape features such as streambeds and banks, riparian areas, and cover that, together, provide a favorable environment for fish and other aquatic life to carry out all essential phases of their life cycles. All of the above require maintenance of a functioning floodplain, as well as judicious land management practices throughout the watershed, including upland areas.

Compared to the rest of the nation, the aquatic habitat in Montana rivers, streams and lakes is in good condition. As in other parts of the country, however, Montana has some portions of its waters where fish habitats have been degraded because of destructive land-management

practices and other human activities. Current and projected human uses of the environment have the potential to degrade existing habitats even further. FWP has the ability, technology, and obligation to protect and restore these habitats wherever possible.

ALTERNATIVES

The environmental analysis identifies three alternatives, including the current Habitat Program (status quo):

- Alternative A (Preferred Alternative): Retain current Habitat Program.
- Alternative B: Maximize efforts to restore habitat or mitigate impacts.
- Alternative C: Compromise further when restoring habitat or mitigating impacts.

Alternative A (Preferred Alternative): Retain Current Habitat Program (status quo)

The current Habitat Program uses a holistic and balanced approach to maintain and restore aquatic habitat, while recognizing the need to accommodate ongoing development associated with an expanding human population in Montana. FWP would continue efforts to protect and improve fisheries habitat, including water quantity, water quality, and physical habitat features. Elements of this approach are as follows:

Instream Flows: Under this alternative, FWP would continue to protect its existing instream water rights and water reservations through active participation in the water adjudication process and the water right permitting process, and through enforcement of water right priorities. The current program enhances stream flow in dewatered streams through water leasing, donations, purchase, market transaction, and other voluntary means. The program also enhances reservoir management procedures such that the regulation of water flow in streams and water levels in lakes and reservoirs meeting not only the owner's purpose but also benefits, or minimizes impacts to fish and other aquatic life. Protecting and enhancing stream flows and lake levels in priority areas through collaborative community or watershed groups is a component of the program. FWP implements the instream-flow assessment program to support native and ESA species recovery and obtain additional water reservations on priority streams and rivers. FWP acquires senior water rights or new water reservations to maintain or protect water flow in streams and water levels in lakes or other water bodies.

Fisheries Mitigation: Under the current program FWP improves fisheries by establishing loss statements of habitat and fisheries impacts caused by disturbances (such as construction and operation of a dam or mine), designing operating rules for water regulation facilities to optimize potential benefits and mimic natural hydrographs where desired, and monitoring results as corrective measures are implemented. FWP participates in interagency review teams for mitigation banks and in-lieu fee programs, and provide recommendations concerning hydropower operations during the FERC relicensing negotiations, planning efforts, and proposed operational changes.

Water Quality Protection: Under the current program, FWP would continue to: collect relevant water-quality data on selected drainages; participate in reviewing mine plans,

conduct field reviews for forest BMPs, monitoring of superfund activities, etc; investigate fish kills.

Habitat Restoration: The Future Fisheries is a legislatively mandated program that provides funding towards habitat projects that benefit wild fish. Under this alternative, the program would continue to provide funding, as authorized by the legislature, toward habitat projects in Montana's rivers, streams and lakes. The Lake and Stream Enhancement and Community Pond programs would also remain available to fund worthy projects.

Stream Permitting: The current program balances fish habitat needs, raw materials, and natural stream function necessary for habitat development with the human need to complete projects around waterways, such as roads, bridges, irrigation structures, etc. FWP staff evaluates these projects and would modify them to protect resources, taking into consideration site-specific conditions. For example, FWP might be more permissive at locations with limited habitat conditions or fisheries resources than at locations with high-value resources that can sustain less destruction. FWP typically seeks a compromise between habitat needs and the desire to complete projects.

Alternative B: Maximize efforts to restore habitat or mitigate impacts.

This approach would seek to preserve and restore Montana's aquatic habitat by resisting or fully mitigating for the impacts associated with an expanding human population. Elements of this approach are as follows:

Instream Flows: This alternative would require additional staff and would involve: establishing monitoring sites on all stream reaches with instream-flow protections, closely evaluating every water right permit and change application for new or modified water rights, and establishing a call process or water commissioner appointments for all streams with instream-flow protection.

Fisheries Mitigation: At its extreme, under this alternative FWP could routinely oppose the operation of existing dams and lobby for their removal, with the goal of restoring the free-flowing drainages within Montana. At a minimum, FWP would attempt to get dam operators to manage dam releases to mimic the natural hydrograph at the expense of hydropower or irrigation needs.

Water Quality Protection: FWP would increase staffing and take a more active role in reviewing proposed mine plans, toxicity assessments related to gas and oil extraction, and other actions that have implications to water quality and fisheries. This staff would also undertake larger water-quality monitoring projects like those underway on the Clark Fork River and Ten Mile Creek intended to eventually establish native fisheries.

Habitat Restoration: Under this alternative, funding and manpower resources would be increased to provide greater opportunities to undertake habitat projects that benefit Montana's wild (and perhaps native) fish. License dollars from the Fisheries Bureau likely would need to be re-directed from other fisheries programs to meet this alternative. Increases in Program resources would require legislative authorization. Lake and Stream

Enhancement and Community Pond funds would likely be redirected to projects benefitting these fish.

Stream Permitting: Habitat needs would outweigh all other considerations at a given project location. Habitat can be maintained or enhanced through permit conditions and project modifications at potentially significant costs to applicants. All project sites would ignore potential needs for development, supporting infrastructure, etc.

Alternative C: Compromise further when restoring habitat or mitigating impacts.

This approach would recognize that some alteration of Montana's streams and lakes is a part of accommodating an ambitious pace of development. Elements of this approach are as follows:

Instream Flows: Recognizing that flows in many Montana streams are already significantly altered, a more liberal threshold of acceptable change could be established under this alternative. This new threshold could mean not enforcing the current level of water right protection. FWP's activities and levels of involvement, under this alternative, might be as follows: developing new instream-flow rights in western Montana would not be a priority; calls to junior water-right holders and commissioner appointments might be only in the very worst years; participation in permitting processes would be minimal and focused on mitigation of impacts; and additional objections in the Water Court might be limited to FWP's water rights, but would not evaluate rights held by others.

Fisheries Mitigation: This alternative may not appear very different from alternative A, both because of regulatory constraints and because economic viability may not be possible when ecological integrity is weakened. The development approach works best when it creates a sustainable economy base on localized development of renewable energy sources, improved water use efficiencies, and restoration of natural resource production.

Water Quality Protection: FWP would likely defer to DEQ for most water-quality related monitoring, research, and review of proposed plans. Knowledge of local fisheries by FWP biologists would not be used to inform decisions by DEQ when applying water quality standards and discharge permit stipulations to specific projects. FWP regional biologists would be asked to respond to all fish kills.

Habitat Restoration: Legislative changes would be needed to provide greater program flexibility under this alternative. Legislation would need to be changed to allow the portion of funding that is currently ear-marked specifically toward projects that benefit bull trout and cutthroat trout to be used for all species of fish. Additionally, legislation would need to be changed to allow program funding to be used for habitat projects that benefit hatchery fisheries, as well as wild fisheries, such as the Community Pond program.

Stream Permitting: Habitat needs would be secondary to development. Projects would be implemented with few or no modifications or conditions restricting contractor modifications of streams on permits.

PREDICTED EFFECTS FOR ALTERNATIVES

Predicted Effects of Retaining Current Program (Alternative A – Preferred Alternative)

The preferred alternative would continue to be an attempt to balance meeting the needs of a steadily growing population in Montana with its accompanying demands for community infrastructure and with the desire of many to retain the outstanding resource values that first attracted them to this state. This balance requires a measured application of laws and regulations established to preserve and enhance Montana's aquatic resources while realizing a viable economic future for the next generations. With these goals in mind, the following effects are predicted:

Instream Flows: FWP would continue to protect and monitor stream flow conditions. The numbers of stream reaches protected with an instream flow right would slowly grow in the Columbia River Basin. Instream flow conditions, using leasing and water conservation would improve on priority dewatered streams where willing lessees exist. Existing instream flows would be managed and protected, especially on larger water bodies having USGS stream discharge flow sites. FWP would participate in DNRC water-right permitting and change-of-use procedures to ensure that public, instream-flow water rights are accounted for in those processes. Participation in the statewide adjudication would ensure that FWP's water rights are accurately portrayed in the decree and accurately accounted for. Additionally, grossly exaggerated water-right claims by third parties would be addressed through the Water Court process to reduce future impacts to FWP.

Fisheries Mitigation: FWP efforts would continue to be well received in the major river basin negotiations. Models developed with significant input from FWP for Hungry Horse Yellowtail dams would help guide operations at those facilities for years to come. The same would be true for Fort Peck Dam, along with the St. Mary/Milk River complex. FERC would continue to draw upon FWP expertise to ensure that fisheries impacts at hydropower facilities are minimized.

Water Quality Protection: Proposed mining operations like the Line Creek Mine in British Columbia would continue to receive strong review from FWP and other state and federal agencies. Important water quality monitoring in impacted drainages like Belt Creek and Ten Mile Creek would receive needed attention from FWP, as would disasters like the Exxon oil spill into the Yellowstone River near Laurel. Fish kills and DES reports would continue to receive a prompt response, as would requests for comments on MPDES and other permit applications. FWP would continue to participate in forest BMP field reviews.

Habitat Restoration: Since the Future Fisheries Improvement Program inception in 1996, the Montana Fish, Wildlife & Parks Commission has committed, on average, approximately \$0.74 million per year to fisheries habitat enhancement projects. As of October 31, 2010, the Commission has fully or partially approved funding for 590 projects. Assuming appropriations to the Program remain at similar level as in the past three biennia (\$1.2 to \$1.3 million), FWP would anticipate expending the total amount

appropriated. Several Community Pond projects were also funded that significantly improved local fisheries.

Stream Permitting: While the goal under the current program would be to maintain or improve the stream habitat at a project location, there would be situations where some compromise is accepted, e.g., some stream function is sacrificed to allow a structure to be protected. At the same time, some bank stabilization techniques can also incorporate a vegetation component, or a softer, woodier technique can be employed. Project costs vary with compromises in the sizes and types of stream crossings, etc.

Cumulative Effects: None identified.

Predicted Effects of Alternative B

Alternative B can be described as having an “ecological focus.” It would still need to operate within legal, regulatory, and political constraints and according to the desires of the sport-fishing public. FWP’s approach to habitat is already very eco-centric, so that only shifts at their most extreme, for example favoring the removal of existing dams, would represent a major departure. Therefore, the predicted effects of Alternative B would be very similar to those in A, with the following minor exceptions:

Instream Flows: FWP would seek instream-flow protections in the Columbia River basin. FWP would improve its monitoring of stream reaches that have existing and new instream-flow water rights. With the installation of more monitoring sites, the management and protection of FWP instream-flow water rights would improve and facilitate water right calls on junior (newer) water rights or management of all stream-reach water rights by a water commissioner. FWP involvement in DNRC water permitting and change-of-use processes would be elevated ensuring the public instream-flow rights are recognized, and any impacts are mitigated through conditions or water replacements. Low-flow-year conditions would improve; however, in very dry years, the first-in-time/first-in-right aspects of water law would not necessarily be effective in mitigating impacts to flows.

A significant new revenue source (fees such as raising the cost of fishing licenses) would be required. A larger restoration and mitigation fund would be developed and used to facilitate alternative development strategies to lessen the human infrastructure impacts to land, water and fisheries habitat. Additionally, these funds encourage activities that would lessen the spatial and resource demands of the human population. Future water development costs would more accurately reflect the real and limited water availability conditions of Montana. (As documented by DNRC, all of the state’s river basins are currently over-appropriated with hydropower water rights being the controlling factor.) Future water acquisitions would be affected by this limited legal availability; therefore, new water projects are going to rely on water purchased from existing water right holders or storage, and are unlikely to be satisfied simply by acquiring a permit to divert. Additionally, there would be expenses related to mitigation of impacts to senior water right holders, including the public’s instream flow water rights.

Fisheries Mitigation: At its most extreme, e.g., dam removal, fisheries mitigation related to hydropower operation becomes moot under this alternative. FWP predicts that this alternative would have tremendous long-term, socio-economic impacts that would accompany the ecological changes. Only rarely would this alternative reach this extreme, and in most cases, fisheries mitigation under this alternative would most likely resemble the Alternative A, which seeks to interject fisheries-friendly operational variables into a model that accounts for the other legitimate demands on a system and seeks to mimic the natural hydrograph whenever possible downstream from a facility.

Water Quality Protection: Effects under this alternative would be similar to those under Alternative A, but to a greater degree. In particular, additional staff would allow more ambitious monitoring of larger projects at sites such as the Clark Fork River, which could establish more solid baseline water quality conditions and more clearly document impacts.

Habitat Restoration: Both the level of funding and the number of projects may be greater than those detailed in Alternative A, plus the efforts and funding would likely be directed toward wild, native fisheries. Habitat projects for community ponds and local rainbow and brown trout fisheries wouldn't be funded. On the other hand, larger stream projects with demonstrable effects at the fish population level could be funded, along with adequate long-term, post-project monitoring.

Stream Permitting: Taking a "more aggressive" ecological stance would involve seeking improved stream function and fisheries habitat wherever a project is proposed. For at least the short term, under this alternative, project might lead to an increase or prolonged erosion. This stance could involve denial of projects that require riprap or similar hard bank stabilization to protect private property or infrastructure. It would likely involve increased cost to applicants seeking to implement projects and increased likelihood of arbitration or litigation.

Cumulative Effects: None identified.

Predicted Effects of Alternative C

Alternative C is more favorable to development interests but would still be subject to legal and regulatory constraints governing FWP and other state, federal and local agencies. In fact, given its mission and legal and regulatory mandates, the only legitimate means FWP has to reduce its role is to reduce its presence, which normally is a result of inadequate funding.

Instream Flows: Acquisition of new legal protections for instream flow, via water rights, in the Columbia River basin would be minimal. If budgets remain static, calls and protections of instream flows would not increase and could decline over time as USGS expenses for stream gauging increase. FWP involvement in DNRC water right permitting and authorization processes would be minimal. FWP would rely upon DNRC evaluation of impact to existing rights, including FWP water rights. As a result, FWP rights may not be fully recognized and third party impacts not wholly mitigated. While FWP rights would be protected in the State's general stream adjudication, errors or questions related

to the accuracy of other parties' water rights would likely result in overstated claims of use that would negatively impact FWP existing, and typically junior, water rights.

Fisheries Mitigation: Mitigation is in fact designed to accommodate development. Where the impacts of a project are unavoidable, mitigation is available to allow the project to proceed while compensating for those impacts either onsite or offsite. In Montana in particular, FWP's experience at recognizing and incorporating appropriate mitigation into development scenarios has allowed continued economic viability within an ecological setting that continues to attract recreational and technological elements while still allowing resource extraction and harvest of renewable resources. Therefore, under this alternative, mitigation efforts might be greater than in the other alternatives as efforts are made to accommodate greater development.

Water Quality Protection: If water quality protection is de-emphasized for FWP, whatever water quality research, monitoring, etc. is accomplished in Montana would be through DEQ. The lack of input from FWP regional biologists would reduce the ability to take into account all fisheries needs when conditioning permits and formulating restrictions. The public could report fish kills to Regional FWP headquarters.

Habitat Restoration: Allowing even Resource Indemnity Trust funds to be dedicated to projects benefitting non-native or even hatchery fish would open up the possibilities for more urban fisheries habitat projects, stocked reservoir projects, etc., which would benefit eastern Montana anglers who use these fisheries more. Of course, expensive projects designed to reclaim native trout streams on mined lands would have to compete with more projects for fewer funds.

Stream Permitting: If unmitigated bank stabilization is permitted, this approach would result in loss of some stream function at the project site and some fisheries habitat degradation. The use of undersized stream crossing structures would result in the loss of some stream function, the inhibition or loss of fish passage, and the possible premature loss of the structure. The effects of bank stabilization and/or stream constriction could become cumulative with additional projects. A reduction in regulatory responsibilities would put additional pressure on other agencies to protect the aquatic resources.

Cumulative Effects: None identified.

FISHING ACCESS AND RECREATION MANAGEMENT PROGRAM

AFFECTED ENVIRONMENT

Fishing Access and Recreation Management is a broad area of responsibility that facilitates access to public waters and management of recreational opportunities both on the water and at access sites. The primary intent is to provide access for angling opportunities, including bank, wade and float angling.

There are a number of ways in which FWP helps to provide access to public waters. There are fishing access sites owned or managed by FWP. These public Fishing Access Sites (FAS)

provide fishing opportunities for virtually all of Montana's fish species. The number of FAS's has grown from a relatively few sites in the 1960's and early 1970's to more than 336 at the time of this writing. As stated previously, the primary purpose of these sites is to provide access for angling (bank, wade and float angling). Many sites include a boat ramp. A fewer number of sites offer camping. Other types of recreation occur at these sites too, including non-angling boating, picnicking, swimming, wildlife viewing, and in some places, hunting.

Another way FWP helps to provide access is through agreements with private landowners. This can be in the form of formal lease agreements through which FWP establishes an FAS on private land. There are also agreements where the landowner grants permission to the public to cross private land to gain access to a stream; these are typically walk-in, non-motorized access opportunities. In those situations FWP does not develop a formal FAS. The landowner is usually compensated for impacts associated with providing public access.

FWP works closely with other land management agencies that have lands adjoining public waters, e.g. the Forest Service, Bureau of Land Management, and Department of Natural Resources and Conservation. This includes communication and coordination, cooperative management agreements, and coordinated planning for the management of access sites and the recreation occurring at them.

FWP also manages water-based recreation and commercial use at fishing access sites and on some high-use rivers. This includes special rules aimed at maintaining the quality of the recreation experience and a permit system to regulate commercial activities.

FWP also plays a role in advocating for and protecting the public's right to gain access to and use streams regardless of the ownership of the underlying land. This entails guarding against undesirable changes to the Montana stream access law, proper interpretation and implementation of the law, and efforts to educate the public about complying with the law and respect for private property. Montana's strong stream access law means Montana anglers have an abundance of opportunities to access the public waters of the state.

FWP assesses environmental impacts each time it acquires or develops an access site. Cultural impacts, for example are addressed on a case-by-case basis when the property is purchased and/or developed. For the purpose of this analysis, FWP is assessing its current *management approach* for the program as a whole. The analysis focuses on the main elements of the program: the primary purpose of the program, the acquisition and development of new sites, and the maintenance and management of existing sites and use.

ALTERNATIVES

FWP identified two alternatives for the Fishing Access and Recreation Management Program:

- Alternative A: Retain Current Program
- Alternative B: Expand Purpose, Acquisition, Development, Maintenance and Management Efforts

Alternative A (Preferred Alternative): Retain Current Program (status quo)

FWP is proposing to retain its current Fishing Access and Recreation Management Program, which uses a sustainable approach when acquiring, developing, maintaining and managing fishing access sites and the use that occurs there. the current approach for fishing access and recreation management. This approach emphasizes providing public access to rivers streams and lakes for the primary purpose of angling. Acquisition is commensurate with the department's ability to maintain and manage sites properly. Site development is modest and focuses on the basic access needs for angling, e.g. parking, boat ramps, vault latrines, and camping at select locations. FWP management presence is limited primarily to maintenance of sites, enforcement of regulations, with more focused recreation management at high-use sites and waterbodies. Elements of this approach are as follows:

Primary Purpose: Currently, the primary purpose of FWP fishing access sites is to provide angling access to public waterbodies. This includes opportunities for wade, bank and float angling. Other forms of recreation and user types do occur at fishing access sites, including picnicking, tubing, camping, swimming, and in some places hunting. In those cases FWP still focuses on maintaining the facilities and grounds, which benefits all users including anglers.

FAS Acquisition: FWP currently uses a conservative approach for acquiring new sites. The department carefully reviews each proposal to ensure that it meets the public's needs and that the department has adequate resources to develop and maintain the site once it has been purchased. Given the limited amount of dollars and staff time available for purchasing and maintaining sites, the department typically acquires only a small number of new sites each year.

FAS Development: The majority of fishing access sites are developed to include gravel interior access roads and parking, vault latrines, and boat ramps where applicable. Designated campsites are provided at some locations. Landscaping is limited to seeding areas disturbed during construction and placement of barrier rocks where necessary to curtail vehicular use.

FAS Maintenance: Maintenance priorities are to maintain interior access road, infrastructure, boat ramps, grounds, and perimeter fencing. Noxious weed control is of major importance.

Recreation Management: The current FWP fishing access site program primarily serves the angling public. There are some sites located near urban areas that receive considerable non-angling types of use. It is necessary for FWP to manage these high-use sites to prevent or mitigate social and resource impacts. This includes special rules, permits, and management plans for some waterbodies.

Alternative B: Expand purpose, acquisition, development, and management efforts

Under this alternative, FWP would expand its focus to place greater emphasis on other types of water-based recreation. FWP would also expand its access program by purchasing new sites at a greater rate, providing additional amenities when developing sites, and increasing the

department's management presence. This alternative is contingent on available funding and legislative spending authority. Elements of this approach are as follows:

Primary Purpose: In addition to providing angling access, FWP would place greater emphasis on meeting the needs of other forms of recreation and user types, e.g., picnicking, tubing, camping, swimming, and in some places hunting. This could include acquiring sites that are more conducive to these other forms of recreation, developing sites to accommodate them, and managing the sites accordingly.

FAS Acquisition: FWP would acquire more new sites based on regional priorities and input from the recreating public. This approach is contingent upon funding, spending authority, and willing sellers.

FAS Development: Fishing access sites would be developed to include gravel interior access roads and parking, and vault latrines at all sites, and boat ramps where applicable. Designated campsites would be provided at some locations. Additional amenities would be considered for some high-use sites, including paved and delineated parking areas, additional vault latrines, segregated boat ramps for different types of use, interior fencing to direct pedestrian traffic, additional landscaping for aesthetic purposes, and enhanced campsites with distinguished campsite boundaries, parking and fire rings.

FAS Maintenance: Maintenance efforts would increase proportionally with the additional new sites, level of development, and anticipated increase in use.

Recreation Management: FWP would increase its staff presence at high-use access sites. This would include increased enforcement, maintenance, and visitor management. High use sites and/or waterbodies could be subject to management plans and special rules governing use.

PREDICTED EFFECTS FOR ALTERNATIVES

Predicted Effects of Retaining Current Program (Alternative A – Preferred Alternative)

This section examines the predicted effects of retaining the current fishing access and recreation management program. It does so by examining the effects on the primary elements of the program: the program's primary purpose, acquisition and development of new sites, and maintenance and management of existing sites.

Primary Purpose: The primary purpose of the current fishing access program is to provide access for anglers. While other types of non-angling recreation have increased in recent years (tubing, rafting, kayaking, camping, etc.), particularly at access sites near urban areas, FWP has traditionally viewed these uses as ancillary to the primary focus of the program. The increase in these other types of use, however, has forced FWP to consider the impacts they are having on the angling opportunities. In some cases these different types of use are compatible with one another and with angling. There are other examples, though, when non-angling use deters from the angling experience and opportunity, e.g., congestion at access sites due to volume of non-angling users. Managing non-angling types of use can also divert staff from working on tasks that

support angling, e.g., staff spending more time at sites used primarily by non-anglers instead of other sites. The infrastructure needs for non-angling use can be different too, e.g., the configuration and size of parking areas for non-angling types of use is different from that needed to support angling use. Along with this expanded constituent base is a need to monitor for increased environmental impacts at sites due to a larger volume of users. There is also a need to consider the fiscal impacts of non-angling use at access sites. Currently the majority of the funding for the FWP fishing access sites is derived from the sale of fishing and hunting licenses. A smaller portion comes from the registration of light-duty vehicles in Montana. The issue is whether non-angling users who have not purchased a fishing license should be required to pay some additional fee or purchase a license. This is an issue of equity that becomes more important in proportion the amount of non-angling use occurring at the sites.

Despite the aforementioned impacts, accommodating non-angling use at fishing access sites provides benefits to a broader recreating public and society as a whole. Simply put, there are more people benefiting from the sites. The current program strikes a balance that maintains angling as the primary purpose but accommodates other types of use as well. The key to this approach is ensuring that the other types of use are managed appropriately so as not to have frequent or significant negative impacts on the angling use. Overall, the changing characteristics of recreation at access sites are not necessarily a problem under the current program so long as the public is aware of and supports the tradeoffs.

FAS Acquisition: There are differing views on whether FWP should continue to acquire additional fishing access sites. There are still waterbodies where public access is limited. For some popular waterbodies there is the potential to acquire new sites as a means of alleviating the congestion at existing sites. There are also situations where access through private land is in jeopardy and there is an opportunity to purchase property to secure public access. The current conservative approach for acquiring new sites may mean that FWP will ultimately pay more to purchase property in areas where property values are increasing quickly. The conservative approach may also mean that some sites may remain highly congested before new access sites are purchased and can help to alleviate the problem. This could in turn lead to angler dissatisfaction.

There are also arguments for limiting or discontinuing the purchase of new sites. After FWP purchases a site it has an obligation to maintain the property and manage the use. This includes spraying weeds, maintaining fences, pumping latrines, maintaining boat ramps, and grounds keeping. The amount of money and staff available to maintain and manage sites is limited and adding new sites places additional demands on these resources.

The current program allows for the acquisition of sites but only after a critical review of regional and statewide priorities, available resources, public support, and long-term maintenance and management requirements. This approach can result in negative and positive effects. FWP does not acquire every site that becomes available, which can disappoint those people with a particular interest in a potential new site. Similarly, by not

acquiring new sites, there is more pressure on existing sites (physical, biological, social, etc.).

The current program's approach to acquisition is proportional to FWP's ability to develop, maintain and manage sites. The benefits to this approach should not be underestimated; failing to do so would lead to undesirable environmental impacts.

FAS Development: Under the current program, most fishing access sites have graveled interior access roads and parking areas, vault latrines, and boat ramps where applicable. Camping is allowed at some locations. Landscaping is limited to seeding areas disturbed during construction and placement of barrier rocks where necessary to curtail vehicular use. The level of development is consistent with the primary purpose of the fishing access program, which is to provide fishing access. It is also at a level that staff can properly maintain without adding additional resources.

Some members of the public would benefit from having additional amenities at sites. Paved roads and parking, hardened campsites, additional signage, improved bathrooms, and electrical hook-ups are all examples of amenities that can be found at some state and federal parks. As stated already, these amenities are not essential for providing angling access and would out-strip FWP staff and resource capabilities. Additionally, by adding these amenities, the types of use that occur at fishing access sites could change; there could be an increase in non-angling types of use and potential conflicts with anglers.

FAS Maintenance: Maintenance at fishing access sites is critically important. The current approach allows FWP to adequately maintain existing sites. Staff is able to maintain roads and parking areas, boat ramps, and facilities. This includes preventing and/or mitigating environmental impacts, e.g. soil erosion and compaction, noxious weeds, litter, loss of bank vegetation, etc. A rapid expansion of the program, however, could exceed the capability of existing staff. It is therefore important to continually assess the impact that acquisition or development might have on the maintenance resources. FWP has fishing access staff in each region. The current workload is sustainable but additional resources could become necessary if FWP were to significantly expand its fishing access program.

Recreation Management: Under the current program, the largest portion of use at fishing access sites is angling, followed to a lesser extent by other forms of recreation. Management at some sites is limited to maintenance duties. Often, however, staff is addressing environmental and social issues. At heavily used sites it is sometimes necessary to have a greater management presence to address illegal activities or inappropriate behavior that negatively affects other users. There are also problems with trespass on neighboring private land, fire danger, litter, noxious weeds, conflicts between users, public safety, etc. In some locations, FWP has implemented restrictions on use as a management tool, e.g. permit systems on rivers. All of these issues require management attention but is attainable under the current program.

Cumulative Effects: None identified.

Predicted Effects of Alternative B

This section examines the predicted effects of expanding the fishing access program: expanding the purpose of the program, increasing the rate of acquisition and the amount of development, and the ramifications for maintenance and management of sites and use.

Primary Purpose: In contrast to the current program, FWP could amend the purpose of the fishing access program to place greater importance on the non-angling types of use that occur at the sites (even if this means that angling is a second priority in some cases). This could mean managing some sites specifically for non-angling use.

Placing more emphasis on non-angling types of use would, in some locations, more accurately reflect the recreation interests of the public, e.g., the recreation interests near some of Montana's urban areas tends to be broader than angling and includes tubing, rafting, kayaking, camping, etc.

As mentioned in the analysis of the current program, an expansion in the purpose of the program could lead to an increase in the volume of use occurring and associated environmental impacts. Some of this could be addressed on a case by case (site by site) basis, e.g., through site design, infrastructure, and management. It could also be addressed through acquisition of additional sites, which would potentially distribute the use better and lessen the impacts to individual sites.

FWP has a limited amount of staff and resources assigned to the fishing access program. Broadening the purpose of the program would require additional staff and resources. This would require additional funding and the consideration of additional funding mechanisms that apply to non-angling users what are not purchasing fishing licenses. All of this would be contingent of legislative approval.

Arguably, a major criticism of this alternative is the potential impacts on angling use. FWP serves more than just anglers and hunters but there is an emphasis on these core constituent groups. A change in the purpose of the fishing access program could deviate from the FWP mission.

FAS Acquisition: Under this alternative, FWP would accelerate its acquisition efforts. Acquiring sites at a more accelerated pace would benefit the recreating public in terms of gaining access to waters. This could also help to distribute use better and reduce conflicts and environmental impacts associated with more concentrated use. The recreational experience would be improved in some places, and environmental impacts lessened.

Expanding the rate at which FWP acquires sites could also have negative effects on the environment. Lacking additional staff and resources for maintaining sites and managing use, additional sites would result in staff spending less time at sites. FWP predicts that this would lead to degraded physical and biological conditions. Infrastructure would not be maintained adequately. FWP would not have the ability to properly manage use, which could lead to an increase in conflicts at heavily used sites. There could be public safety and health issues that arise.

FAS Development: Currently, most fishing access sites have graveled interior access roads and parking areas, vault latrines, and boat ramps where applicable. Camping is allowed at some locations. Landscaping is limited to seeding areas disturbed during construction and placement of barrier rocks where necessary to curtail vehicular use. FWP could go beyond this basic level of development to include paved roads and parking areas, hardened campsites, additional signage, improved bathrooms, and electrical hook-ups, amenities that can be found at some state and federal parks.

Some members of the public would benefit from having additional amenities at sites; their recreation experience might be enhanced. There could also be some environmental benefits, e.g., delineated paved roads and parking areas could reduce the amount of disturbance to soil and vegetation at sites. Designated, formal campsites would help to limit impacts to a smaller area. Aesthetically, enhanced development could be more appealing to some people.

As stated already, these amenities are not essential for providing angling access and would out-strip FWP staff and resource capabilities. Additionally, by adding these amenities, the types of use that occur at fishing access sites could change; there could be an increase in non-angling types of use and potential conflicts with anglers.

FWP has a limited amount of resources for maintaining and managing its fishing access sites. With additional development there is a need for additional staff and resources to maintain the sites. This means an added cost to the recreating public. Currently there are no means for increasing available resources.

FAS Maintenance: Maintenance efforts would increase proportionally with the additional new sites, level of development, and anticipated increase in use. A significant expansion of the fishing access program would require additional resources for maintenance of sites. It is critical that FWP adequately maintain its sites; failure to do so results in environmental and social impacts. It would be difficult for FWP to be a “good neighbor” without adding staff and resources. There would likely be problems with unmaintained roads, parking areas, and boat ramps. Trespass, litter, noxious weeds, and fire danger are just some of the examples of problems that could increase and have a negative effect on the resources and neighboring landowners. There could be public health concerns too, e.g., if FWP is not able to adequately pump and clean vault latrines.

Recreation Management: If FWP expands its fishing access program, management needs would increase. Staff would spend more time addressing environmental and social issues. FWP would increase its staff presence at high-use access sites. This would include increased enforcement, maintenance, and visitor management. High use sites and/or waterbodies could be subject to management plans and special rules governing use. FWP would have to increase its management presence to address illegal activities or inappropriate behavior that negatively affects other users. There would be more problems with trespass on neighboring private land, fire danger, litter, noxious weeds, conflicts between users, public safety, etc. FWP predicts that there could be a greater need for restrictions on use, e.g. permit systems on rivers. Similar to expanding maintenance responsibilities, FWP All of these issues would require management attention and would

not be attainable with the amount of staff and resources currently available. FWP predicts that it would be difficult to obtain the additional resources necessary to significantly expand staff presence at sites. These aforementioned negative impacts could be alleviated with the addition of staff and resources.

Cumulative Effects: In the short-term, FWP might be able to adequately address negative impacts associated with an expansion of the program. Over time, however, the expansion would likely outstrip existing staff and resources. It would become necessary to address this concern by increasing the number of staff in the program and the resources available for acquisition, development, maintenance and management. Securing these additional resources requires legislative approval and/or a redirection of existing resources, both of which have proved difficult in the past.

ENVIRONMENTAL IMPACT STATEMENT DETERMINATION

FWP concluded that an Environmental Impact Statement (EIS) is not warranted for the proposed Draft Statewide Fisheries Management Plan. FWP concluded that the predicted impacts to the physical and human environment are not significant, and are either minor or negligible. Therefore, FWP concluded that an Environmental Assessment (EA) is an appropriate level of environmental analysis.

OVERLAPPING JURISDICTIONS

The following is a list of state, local and federal agencies that have overlapping or additional jurisdiction or environmental review responsibility for the proposed actions.

- United States Fish and Wildlife Service (endangered and threatened species)
- United States Forest Service
- Bureau of Land Management
- Montana Department of Natural Resources and Conservation
- Montana Department of Environmental Quality
- Montana Indian Tribes

PUBLIC PARTICIPATION AND COLLABORATION

PUBLIC INVOLVEMENT

The department is disseminating information and soliciting comments on the proposed statewide fisheries management plan and environmental analysis document in the following ways:

- Public comment period (33 days): September 10 through October 12, 2012.
- Public meetings in each FWP administrative region plus Helena: (dates, times and locations listed on FWP website).

- Statewide press release announcing availability of Draft Plan and public comment period.
- Post cards mailed to Fisheries mailing list: FWP regional Citizen Advisory Committees; sportsmen groups; conservation groups; state and federal agencies; Montana Indian Tribes.
- Web page for planning process and ability for people to provide comments on line.

COLLABORATION

The FWP Fisheries Bureau prepared this environmental review in collaboration with other units in the agency:

- Communication and Education Bureau
- Law Enforcement Bureau
- Legal Unit

ANTICIPATED TIMELINE OF EVENTS

- Public comment period is scheduled for 9-10-12 through 10-12-12
- Decision Notice for EA schedule for November of 2012
- Decision on Final Plan scheduled for December of 2012

PREPARATION OF THE ENVIRONMENTAL REVIEW

The following entities within FWP contributed to the preparation of this environmental review:

- Regional Staff
- Fisheries Bureau
- Communication and Education Bureau
- Enforcement Bureau
- Legal Bureau

The following Fisheries Bureau staff served as principal authors of this environmental review:

- Charlie Sperry
- Don Skaar
- Bruce Rich